

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Schools and Libraries Universal Service
Support Mechanism

CC Docket No. 02-6

Comments of Inclusive Technologies

Inclusive Technologies¹ respectfully submits its Comments to the Commission pursuant to the Notice of Proposed Rulemaking referenced above.

Introduction

The Universal Service program is, in our opinion, a long-standing demonstration of the American impulse toward equality of opportunity. American citizens have always been motivated to provide a “communication safety net” of low-cost access to modern technologies for disadvantaged citizens, regardless of how their disadvantage arose. This excellent program equalizes opportunities, without insisting on identical outcomes. At the same time, subsidized access increases the value of information networks for all users. This network externality effect makes every connection more valuable because it increases the number of connection points: your communication function is more powerful the more people you can communicate with, whether it be by telephone, email, or wireless web.

¹ Inclusive Technologies provides consulting services in telecommunications and disability, aging, and education. Our technical services include analyses of existing products, assistance with service and product development and deployment, technology scans, and technical development of prototypes. Other services provide assistance with business practices: primary and secondary market research and analysis, customer surveys, focus groups, product trials, product management, strategic partnership development, staff training, internal team-building, and consumer and other stakeholder liaison. We provide these services to information technology companies, regulatory agencies, and consumer advocacy organizations. Inclusive’s clients include the Access Board, the American Foundation for the Blind, Verizon, the California Deaf and Disabled Telecommunications Program, Computer Professionals for Social Responsibility, IBM, Microsoft, the National Institute on Disability and Rehabilitation Research, the New York City Public Schools Commissioner’s Office, Panasonic, Qualcomm, Sun Microsystems, and Xerox. Inclusive Technologies performed a Market Monitoring Report for the Access Board, a snapshot of the state of the art of accessible telecommunications. The Report includes a description of the access features found on a wide range of telecom products, and a searchable database of over 600 specific models, for use by designers, engineers, regulators, and consumers with disabilities.

We are concerned that the efforts to permit all citizens to participate in information services will inadvertently exclude people with disabilities. This category of users is vulnerable in two separate ways, only one of which is addressed by the current program. Affordability, which is the major goal of Universal Service, is indeed a critical issue for most people with disabilities, who have lower incomes and higher unemployment rates than the national averages. We believe that the affordability needs of people with disabilities can be addressed by the current program, because in many ways their poverty is the same as that of people without disabilities. However, the current program does not address accessibility. That is, there are no consistent elements that require the school and library programs supported and subsidized by the Universal Service Fund to be as accessible as possible. Disability is a unique civil rights category in that solving the attitudinal and affordability issues are not sufficient to solve the problem of exclusion. There must be changes also in the actual hardware and software used for information access. People with different disabilities need different technical solutions. In addition to the technology, both users and school and library personnel must receive sufficient training and preparation in the use of accessible technologies. Our comments point to these needs, and in some cases recommend specific approaches.

The Commission Should Require Applicants to Certify Accessibility

We support the accessibility certification requirement indicated at §29. Applicants failing to comply with the certification requirement should no longer receive a discount. Failure to comply with this certification is essentially a statement that the applicant intends to discriminate against people with disabilities. In addition, it shows a lack of understanding of the technical issues involved, as most accommodations are easy to acquire, install, and operate.

However, we are concerned that the entities receiving the highest discount are those with the least resources available to guarantee that the products and services they purchase are as accessible as possible. We believe it would be contrary to the spirit of the program to require a poor school district, for example, to obtain the additional procurement review and bid evaluation services necessary to guarantee accessibility. We therefore suggest four suitable mechanisms:

- a. Allow applicant self-certification. Applicants should be required to indicate that all the covered products and services funded through the Universal Service program are accessible.
- b. Allow applicants to submit certifications prepared by manufacturers and service providers. Telecommunications accessibility (although not for all products and services covered by the Universal Service program) is mandated by the Commission's own rules, under Section 255 of the 1996 Telecommunications Act. Since January 28, 2000, it has been unlawful to sell telecommunications equipment or services that do not comply with the Commission's rules. Manufacturers and service providers should have no problem certifying the accessibility of their products and services.

- c. Modify the program so that applicants can apply for funding to cover the necessary evaluation and review services.
- d. Modify the program so that applicants can obtain training in how to evaluate and review telecommunications products and services, resulting in their ability to self-certify.

We believe that there are advantages and disadvantages to each of these scenarios, and there may be other mechanisms to guarantee accessibility efficiently. Rather than decide which method is best, we encourage the Commission to seek further comment on them and to craft the accessibility component of the Universal Service program so that multiple methods are permitted.

Regardless of which mechanism the Commission uses, there should be a component that performs random auditing of applicants to determine general levels of accessibility and ensure a greater motivation to comply. The Commission should seek to reduce the natural tendency to submit empty statements of compliance.

Entities applying for US funding should certify that all telecommunications equipment and services purchased through the program have been installed and configured to be accessible. For example, a voice mail system may have been manufactured so that it can send and receive TTY messages, but the particular installation may have excluded TTY prompts. In this case the manufacturer is not to blame; the school or library has not met its telecommunications accessibility responsibility. Although legally this would fall under the ADA, the specific access issues located in Section 255 of the Telecom Act and the resulting regulations and guidelines provide the level of detail needed to assess the accessibility of the equipment and services.

Bundled Content Should Also Be Required to Be Accessible

We support the notion at §25 that bundled content, if less expensive to the applicant than unbundled access, should be supported by the program. The applicant should guarantee that the bundled content is accessible as well. This is especially necessary for portal-type pages. Techniques for making this content accessible are well known and well publicized. In fact, many of the entities providing this bundled content may already be required to make it accessible under other regulations. In any event, inaccessible portal pages or login screens, a dead end for some users with disabilities, would make a mockery of the accessibility required of the rest of the service.

Voice Mail Should Be Included in the Universal Service Program

We support the inclusion of voice mail and audiotext services and products in the program. Voice mail has been used to create better school-home coordination. Teachers can reach parents regarding their child's performance, students can reach teachers to find out about assignments they may have missed due to illness, etc. Although email is an excellent application for school-home coordination, many homes do not have access to email, or do not check it often enough to be useful. The number of households with telephone service is much higher, making voice mail an excellent medium.

Unused Funds Should Be Allowed to Be Used for Training and to Improve Accessibility

The Commission requests comments at §70 on how unused funds should be treated. We believe that unused funds should go toward training school and library personnel in the use of the funded services and equipment, including training in how to make those services and equipment accessible to people with disabilities. It is well documented that staff training and curricular integration are the least supported elements in educational technology. Each day computers sit idle in the classroom not for lack of software but for lack of understanding how they can be used within the curriculum. This is even more true for accessibility tools. Most mainstream teachers are unprepared to configure and maintain the accessibility utilities and programs needed by many students with disabilities. Using funds from the universal service program to accomplish staff training would do much to aid the integration of these students. Most telecommunications consumers carry the burden of funding their local schools and libraries. Using universal service funds for this training function would not impose an unreasonable additional burden on these consumers.

We are grateful to the Commission for this opportunity to comment on the Universal Service Fund, and we look forward to a continuing dialogue on this and related issues.

Respectfully Submitted,

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